



IPW

Atty. Docket No.: CENT/104/US

In re patent of: Jacques H. Houle

Application No.: 10/758,367

Examiner: Alif Abdelwahed

Filing Date: January 15, 2004

Group Art Unit: 3722

For: Spot Drilling Insert

### TRANSMITTAL FORM

Enclosed herewith is (are):

- RESPONSE TO RESTRICTION OR ELECTION REQUIREMENT
- POST CARD INDICATING ENCLOSURE

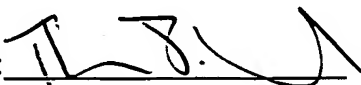
It is hereby petitioned that any required extension of time be granted for filing the enclosed papers. An extension of -0- month(s) having a fee of \$-0- appears required.

A check in the amount of \$-0- is enclosed. Please credit any overpayment to Deposit Account 16-2563 of Alix, Yale & Ristas, LLP.

The Commissioner is hereby requested and authorized to charge Deposit Account 16-2563 of Alix, Yale & Ristas, LLP for any fee, not enclosed herewith, due for any reason during the pendency of this application or in connection with the accompanying document, including (a) any filing fees under 37 CFR 1.16 for the presentation of extra claims and (b) any patent application processing fees under 37 CFR 1.17. *A duplicate copy of this sheet is enclosed.*

The undersigned hereby certifies that this correspondence is being deposited on the date below with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450".

Date: June 27, 2006  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/758,367  
Applicant : Jacques H. Houle  
Filed : January 15, 2004  
Title : Spot Drilling Insert

TC/A.U. : 3722  
Examiner : Alif Abdelwahed

Docket No. : CENT/104/US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION OR ELECTION REQUIREMENT**

In response to the Office Action mailed June 9, 2006, Applicant responds as follows:

In order to strictly comply with the Examiner's requirement in the above restriction requirement, and without agreeing to the propriety of the restriction requirement, Applicant elects, with traverse, to proceed with Group I, Claims 1-9 drawn to a spot drilling insert/tool, classified in class 408, subclass 225.

MPEP section 803 states (underlining added) "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

The restriction requirement issued for the above-identified application appears too restrictive. The Examiner has not shown it would be a "serious burden" to perform a complete search and examination on all of the claims as originally filed. Alternatively, the Examiner has not shown it would be a "serious burden" to perform a complete search and examination on more than just Group I but less than all of the originally filed claims. Since the Examiner has not made any showing of undue burden, each of the

Appl. No. 10/758,367  
Amdt. dated June 27, 2006  
Reply to Office Action of June 9, 2006

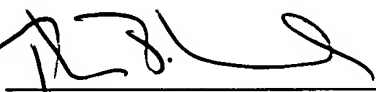
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above requirements for restriction and election is respectfully traversed and the Examiner is respectfully urged to withdraw or modify the same.

Applicant respectfully traverses the election requirement and requests that the Examiner proceed to substantively examine of all pending claims 1-12.

Respectfully submitted,

JACQUES H. HOULE

By 

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